**THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA**

**WRIT PETITION No.10655 of 1999**

**Dated: 28.03.2007**

Between:

P.Saradamma W/o Munirathnam and others.

**..... PETITIONERS**

AND

The Chief Commissioner of Land Administration,
A.P., Hyderabad and others.

**.....RESPONDENTS**

**THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA**

**WRIT PETITION No.10655 of 1999**

**ORDER:**

This writ petition is filed questioning the order, dated 06.03.1999, passed by the first respondent confirming the order of the second respondent dated 23.04.1998, whereunder, the assignment granted in favour of the petitioners was cancelled.

It is the case of the petitioners that they are landless poor, and considering the same, the third respondent assigned certain extents of land in various survey numbers situated at Musilipadu village of Yerpadu Mandal, Chittoor District, in their favour. While so, the second respondent issued show cause notices to them calling upon them to explain as to why the assignment granted in their favour shall not be cancelled on the ground that they are not in possession of the assigned land. Pursuant to the notices, petitioners submitted their explanation, however, they allege that without considering their explanation, the

second respondent cancelled the assignment. Aggrieved thereby, petitioners preferred an appeal before the first respondent, however, they complain that without assigning any reasons, the first respondent dismissed the appeal, thereby confirming the order of cancellation passed by the second respondent. Hence, this writ petition.

Despite service of notice, the respondents have not chosen to file any counter.

Heard the learned counsel for the petitioners and the learned Government Pleader for Assignment.

The main grievance of the petitioners is that though they submitted detailed explanations, the second respondent has not considered the same and cancelled the patta granted in their favour, and the first respondent also confirmed the same without hearing them. However, a perusal of the order of the first respondent dated 06.03.1999 shows that despite issuance of notice, the petitioners were not present at the time of hearing, and therefore, the impugned order was passed.

Having regard to the same, the order of the first respondent dated 06.03.1999 is hereby set aside and the matter is remanded back to the first respondent with a direction to dispose of the appeal of the petitioners within a period of six weeks from the date of receipt of a copy of this order, after issuing notice to the petitioners fixing the date of hearing. On receipt of such notice, the petitioners shall appear before the first respondent on the date fixed for hearing and advance their arguments.

With the above direction, the writ petition is disposed of. There shall be no order as to costs.

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28.03.2007

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